

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

David Burns

v.

Case No. 06-cv-131-PB

Warden, NH State Prison

O R D E R

After due consideration of the objection filed, I herewith approve the Report and Recommendation of Magistrate Judge Landya B. McCafferty dated May 9, 2012. " [O]nly those issues fairly raised by the objections to the magistrate's report are subject to review in the district court and those not preserved by such objection are precluded on appeal." School Union No. 37 v. United Nat'l Ins. Co., 617 F.3d 554, 564 (1st Cir. 2010) (quoting Keating v. Secretary of Health & Human Servs., 848 F.2d 271, 275 (1st Cir.1988)); see also United States v. Valencia-Copete, 792 F.2d 4, 6 (1st Cir. 1986) (after proper notice, failure to file a specific objection to magistrate's report will waive the right to appeal). Additionally, finding that the petitioner has failed to make a substantial showing of the denial of a constitutional right, the court declines to issue a certificate of appealability. See 28 U.S.C. §

2253(c)(2); Rule 11, Rules Governing Habeas Corpus Cases Under Section 2254;
First Cir. LR 22.0.

SO ORDERED.

June 7, 2012

/s/ Paul Barbadoro
Paul Barbadoro
United States District Judge

cc: David Burns, Pro Se
Elizabeth Woodcock, Esq.